13th Session Universal Peer Review of the UK

Summary Note: Critical Issues for Consideration

1. **Introduction**

   During the upcoming Universal Periodic Review (UPR), the UK will be reviewed on 24 May 2012. The Women’s International League for Peace and Freedom (WILPF) views this as an opportunity to discuss British progress in human rights and identify areas where the UK needs to improve, particularly with regard to policies being pursued that are detrimental to women’s human rights, peace, security and achievement of the Millennium Development Goals in conflict affected countries as well as UK territory.

   This summary note focuses on three critical issues that we believe need to be taken up during the UK UPR session, with a view to assisting the UK government to make improvements that will contribute more effectively to ensuring and upholding human rights: the development and deployment of nuclear weapons, including costs and humanitarian consequences; the arms trade and protection of civilians; and the importance of enhancing human rights to fully achieve the Millennium Development Goals.

2. **Nuclear Weapons and Human Rights:**

   The continued deployment and potential use of nuclear weapons have fundamental implications for human rights, within the UK and internationally. Deployment of the Trident nuclear weapons system under current UK doctrines and operations implies a continuous readiness to use and threaten to use nuclear weapons, with ongoing risks also of inadvertent use or nuclear accidents, including dispersion of radioactive materials through fire or explosions. UK nuclear weapons are manufactured at the Atomic Weapons Establishment (AWE) Aldermaston and Burghfield close to densely populated towns, only 50 miles west of London. The warheads are transported by road to Scotland, where the bulk is stored at Coulport. Up to 48 are attached to US-made Trident missiles that are deployed on each of the four “Vanguard class” nuclear-powered submarines that the UK government bases in Scotland, at the Faslane naval base near Helensburgh and Glasgow. An overwhelming majority of Scottish citizens have registered through votes and opinion polls that they want Scotland to be free of nuclear weapons, but successive UK governments have continued to impose these weapons of mass destruction on the Scottish people and put their health and environment at risk.

   Tens of thousands of immediate deaths would result from the blast, heat and radiation effects of detonating nuclear bombs in urban areas as envisaged in targeting scenarios. In addition to massive direct and indiscriminate civilian casualties, recent studies into the climate, environmental and agricultural effects following nuclear explosions indicate that a relatively limited regional war involving nuclear weapons would cause widespread famine affecting billions of people around the world for up to a decade, resulting in mass starvation, epidemics and a “humanitarian catastrophe.” Such “nuclear famine” could occur if only half the Trident weapons on just one British submarine deployed in accordance with the UK’s “continuous at sea deterrence” posture were to be detonated.

   It is WILPF’s submission that the heightened risks attached to the manufacture, deployment, transport and potential use (intentional or accidental) of UK nuclear weapons violate human rights. There is now a strong le
gal basis for asserting that the use and deployment of such weapons with doctrines of first use or retaliation violate international law, particularly International Humanitarian Law (IHL) and Human Rights law.\footnote{This assertion rests on principles of IHL such as proportionality and the prohibition on inflicting unnecessary suffering and indiscriminate harm. See WILPF Outcome Document from Expert's Meeting on International Law, Disarmament, Women and Human Rights, March 2012.} Possession of nuclear weapons can be consistent with human right and international law only if nuclear weapons are held in a de-alerted condition in safe and secure storage while awaiting disarmament and dismantlement.

**Impact of budgetary allocations to weapons of mass destruction:** UK expenditure on nuclear weapons last year (2011) was some USD 5.5 billion, making it the fifth largest global spender with an increasing budget (Global Zero, 2012). The bulk of this expenditure was for Trident deployment, including maintenance of the submarines and research, development, manufacture, storage and transport of the warheads.\footnote{For more detailed information on going and planned modernization of UK nuclear capabilities, see chapter on the United Kingdom in Assuring Destruction Forever: Nuclear modernization around the world, WILPF, 2012 at www.reachingcriticalwill.org.} Although delayed until 2016, the UK government plans to procure a new fleet of nuclear submarines to carry the next generation of UK nuclear weapons, at an estimated cost of USD 32–160 billion.

The nuclear-military expenditure must be weighed against the UK’s 2010 and 2011 budgets, which include cuts in health, education and social services that will disproportionately affect women and children. According to the Fawcett Society, the UK government’s austerity measures will decrease living standards for Britain’s families by more than 10\% until at least 2014, harming the poorest 30\% of households the worst.\footnote{The Impact on Women of the Autumn Financial Statement, 29 November 2011, The Women’s Budget Group, January 2012.} Current austerity measures are likely to increase gender-based inequality: women will be hit hardest by job cuts in the public sector; services and benefits on which many women and families rely are being drastically cut; and women will be left filling the gaps in care (for example for elderly or disabled relatives) as state services are withdrawn. WILPF argues that prioritising nuclear and military spending over health, education and social needs is to disregard basic principles of state obligation under the International Covenant on Economic Social and Cultural Rights (ICESCR) vis Article 2, “to maximise the use of available resources,” and “without discrimination of any kind.”

**Key Questions**

- **Will the UK take steps to halt nuclear weapons deployments and remove doctrines and policies of use and threatened use from its national military postures?** Such steps would bring the UK closer towards compliance with the Non-Proliferation Treaty (NPT), and illustrate UK respect for the outcome of the 2010 NPT Review Conference, which expressed inter-alia, “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law.”

- **Concerned that the continuing high UK expenditure on nuclear and military equipment, including Trident, mean higher cuts in budget allocations to health, education and social services, which disproportionately affect women and children in the UK, what steps will the UK take to cut its military expenditures?**

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1. This assertion rests on principles of IHL such as proportionality and the prohibition on inflicting unnecessary suffering and indiscriminate harm. See WILPF Outcome Document from Expert's Meeting on International Law, Disarmament, Women and Human Rights, March 2012.
2. For more detailed information on going and planned modernization of UK nuclear capabilities, see chapter on the United Kingdom in Assuring Destruction Forever: Nuclear modernization around the world, WILPF, 2012 at www.reachingcriticalwill.org.
– and particularly – nuclear weapons budgets, and to halt expenditure on modernizing, renewing and deploying the Trident nuclear weapons system?

- What practical steps will the UK take to address the discriminatory impact of its current cuts in order to fully comply with Article 2 of the ICESCR?

**Recommendation:** UK government should ensure its nuclear and military policies and operations are fully consistent with international law at all times, and ensure that Britain complies fully with human rights treaty bodies and its own domestic legal requirement, to promote equality between women and men and mitigate against any gender discriminatory impact in its budgetary policy making.

3. **The Arms Trade and Protection of Civilians:** the UK has prioritized the sale of arms as a means of increasing export revenue. The proliferation of the arms trade directly influences the degree of militarization within states and communities and has a devastating impact on human rights, particularly increasing the level and type of violence experienced by women. The impact of such arms sales have been made evident in the suppression of democracy protestors in Bahrain and Libya, where governments have used tear gas, crowd control ammunition, sniper rifles, and armoured vehicles bought and made in the UK. The UK has also supplied weapons to numerous other countries engaged in military conflict including, during 2005-2009 when the UK approved USD 29 million of arms export licenses for Sri Lanka. The UK has continued to supply arms to Sri Lanka, despite the atrocities that occurred during the country’s final offensive against the Tamil Tigers in 2009 (Campaign Against Arms Trade, 2012). The UK Government’s 2010 Human Rights Annual Report identified 26 “countries of concern”; yet that same year, the UK approved arms export licenses to 16 of these countries including Israel, Libya, Pakistan, Russia and Saudi Arabia. While arms sales in general are recognised as contributors in political destabilisation and human rights violations, the doctrine of the Responsibility To Protect (R2P) is also relevant, particularly with regard to its 2nd pillar which contains an obligation to assist governments in the protection of their population. The marketing of arms to regimes which systematically undermine and fail to uphold human rights, as illustrated by UK arms sales in recent years, undermines this principle and reverses the original intention of R2P in order to justify armed intervention, with appalling consequences for human rights, lives and security.

Discussions towards the creation of the Arms Trade Treaty (ATT) present an important opportunity to regulate the international trade in the conventional arms and ammunition. Of these, it is most often small arms and light weapons (SALW) that are used to facilitate and commit various forms of violence and crimes against women, both during and outside of armed conflict. If the ATT is to be an effective legal instrument in regulating the international arms trade, recognition of the specific potential impacts of arms sales and polices on women and children and their rights and security should be included. Paying specific attention to the risk of gender-based violence is also crucial because of the gender dimensions of the arms trade and its links to discrimination against women in contravention of treaty bodies and international humanitarian law.

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Key Questions:

- Will the UK take steps to comply with its own human right index on arms exports and cease exporting arms to countries where there are extensive human rights violations?
- What steps will the UK undertake to ensure that due diligence standards are in place and are enforced for UK arms companies including certification of end users?

Recommendations:

- UK should avoid misusing R2P for military purposes and work towards strengthening the prevention of human rights abuses and assisting countries to build sustainable security and development policies.
- Measures are included in the SCR 1325 National Action Plan to ensure UK arms trade does not contribute to violation of human rights and its gendered impact.
- UK should actively support the negotiation of a strong and effective Arms Trade Treaty, which would include SALW and ammunition in its scope. To be appropriate and effective, the Arms Trade Treaty must require States not to transfer arms internationally where there is a substantial risk that they could be used to perpetrate or facilitate gender-based violence, including rape and other forms of sexual violence.

4. Human rights and the Millennium Development Goals: it is estimated that one-and-a-half billion people live in countries affected by internal conflict or large-scale, organized criminal violence and have yet to achieve a single Millennium Development Goal (World Development Report, World Bank, 2011). Repeated cycles of conflict and violence translate into human, social, and economic costs that last for generations. Irresponsible arms sales and excessive military spending undermine achievement of all MDGs in these countries, both by fuelling escalation of violent conflict and crime and by diverting funds from social spending such as education, health care and social welfare. Such spending can also contribute to unsustainable debt service payments, which further reduce resources for social spending.

Evidence clearly demonstrates that women disproportionately suffer the impact of violence, conflict and the failure to achieve progress on the MDGs. MDG 5 on maternal mortality remains the farthest goal from being achieved, with more than 1000 women dying every day from pregnancy-related causes, while approximately 10 million women annually suffer pregnancy-related injuries and disabilities.6 The high number of maternal deaths in some areas of the world reflects a situation of discrimination and inequities in access to health services, and highlights the gap between rich and poor.7 In addition to the tragic loss of life, maternal mortality triggers and aggravates cycles of poverty that cause generations of suffering and despair. When mothers die, children and, especially girls, are at greater risk of dropping out of school, becoming malnourished, and simply not surviving. The MDGs and the overarching Millennium Declaration which is underpinned by human rights treaty bodies provide an important platform for taking preventative measures to address maternal mortality and meet related human rights obligations. These obligations require States to take action to ensure full access to maternal health services as a core obligation of the State (CEDAW) and

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through commitment of maximum available resources (ICESCR) to prevent maternal mortality and morbidity. The responsibility of international assistance and cooperation as reflected in MDG 8, obliges developed States to support developing States in their efforts to prevent and reduce maternal mortality.

There is an intrinsic link between arms sales, human rights and maternal health, particularly in conflict affected countries with rising poverty levels, malnutrition, lack of accessible and appropriate health-care services as well as lack of security and protection of women’s rights (Human Rights Council, A/HRC/14/39, 2010). WILPF submits that while the UK has fully committed to the MDGs and has prioritized maternal health as part of its aid package, its arms trade serves to compromise its obligations to human rights and maternal health.

**Key Question**
- How does the UK government view the lack of coherence across its aid policies which commit to the achievement of the MDGs and related human rights treaty bodies and its arms trade activity?

**Recommendation:** UK should institute measures to ensure that UK human rights obligations, aid policies and programmes are not jeopardized by its arms trade.

5. **Concluding remarks**

The impact of the UK’s military spending, nuclear arms production and deployment and arms sales is well evidenced as constituting continuing serious threats to women’s human rights, security and protection as well as the achievement of the Millennium Development Goals and related treaty body obligations. WILPF argues that the costs and consequences of policies that prioritize nuclear weapons and the arms trade along with the current economic crisis and austerity measures, serve to undermine UK obligations to human rights treaty bodies and resolutions (UN Charter, CEDAW, ICESCR, SC 1325) as well as international laws.

WILPF welcomes further discussions on any issues addressed in this note and looks forward to this submission feeding into the UPR session and its outcomes.